

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ANTHONY BIANCHI,

Defendant.

Case #: 7:23-MJ-07071-KPB

HON. KIM P. BERG

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Declaration of John L. Buckheit, dated, January 19, 2024, and the exhibits thereto, and the accompanying Memorandum of Law dated January 19, 2024, defendant Anthony Bianchi will move this Court, before Magistrate Judge Hon. Kim P. Berg, United States Magistrate Judge, on a date to be determined by the Court, for an Order to suppress all evidence obtained by means of an unlawful search and seizure under circumstances precluding admissibility thereof in any criminal action against the Defendant, Colonel Anthony J. Bianchi ("COL Bianchi"). Such evidence would include: (a) any tangible property obtained by means of such unlawful search and seizure; or (b) any record or potential testimony reciting or describing declarations, conversations, or other communications overheard, intercepted, accessed, or recorded by any means or observations made by any party obtained under circumstances precluding admissibility thereof in a criminal action against the Defendant; or (c) consists of a record or potential testimony reciting or describing any statement made by the Defendant to a public servant serving in a law enforcement activity or to a person then acting under his or her direction or in cooperation with him or her.

This Motion to Suppress is predicated upon the unlawful entry on the early morning hours of July 23, 2023, of agents of the Military Police at the military installation at West Point, New York, into the home of COL Bianchi, located at 118A Washington Road, West Point, New York, 10996.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Order, any opposing affidavits and answering memoranda of law must be served by February 16, 2024.

Dated: January 19, 2024

BUCKHEIT PARTNERS LLP

By: 

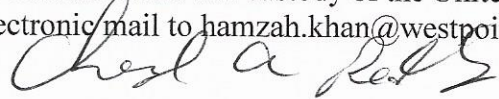
John L. Buckheit
Joseph A. Jampietro
20 Spring Street, Ste. 2
Warwick, New York 10990
(845) 357-0265

State of New York)
) ss:
County of Orange)

CHERYL REILLY, being duly sworn, deposes and says: Your deponent is not a party to the within action, is over the age of eighteen (18) years and resides in Greenwood Lake, New York, and on the 19th day of January, 2024, your deponent served a copy of the Notice of Motion, with supporting documents, dated January 19, 2024, with regard to U.S. District Court, S.D.N.Y., Case No.: 7:23-MJ-07071-KPB, upon:

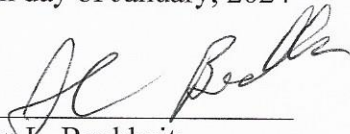
CPT Hamzah Khan
Special Asst U.S. Attorney
Office of the Staff Judge Advocate
West Point, New York 10996

at the above address, by depositing same, enclosed in a properly postpaid and addressed wrapper, for regular mail, in an official depository under the exclusive care and custody of the United States Postal Service, marked for that purpose, and by electronic mail to hamzah.khan@westpoint.edu.



CHERYL REILLY

Sworn to before me this
19th day of January, 2024



John L. Buckheit
Notary Public of the State of New York
No.: 02BU5044290
Qualified in Orange County
Commission Expires May 30, 2027